



## *Report to the Auburn City Council*

Action Item

5

Agenda Item No.

City Manager's Approval

**To:** Mayor and City Council Members  
**From:** Mark D'Ambrogi, Fire Chief  
**Date:** July 25, 2011  
**Subject:** Weed Abatement Public Protest Hearing

### **The Issue**

Shall the Council authorize the Fire Chief to perform abatement action on certain properties within the City of Auburn that have been declared a public nuisance?

### **Conclusion and Recommendation**

Conduct a Public Hearing for the purpose of declaring public nuisance of those properties that have not complied with the Auburn Municipal Code, City Ordinance, Title IX, Chapter 95.03, "Notices to Remove: Default: Removal by City". And, by ABATEMENT ORDER, authorize the Fire Chief to abate those properties that have been posted and notified as a public nuisance and have not complied with "Notices to Remove".

### **Background**

Attached as "Exhibit A", are listings of properties within the City of Auburn that have been sent "Notices to Destroy" weeds, dry grass, and or rubbish in an effort to reduce fire hazard potential. This is in accordance with the Weed Abatement Program declaring public nuisance upon such properties. Notices have been posted on such properties as well as mailed to listed property owners to destroy and remove such nuisance. Notices also advise the property owners of the scheduled Public Hearing of where the order for abatement may occur. The purpose of the public hearing is to allow any and all objections from any property owner that has not abated the public nuisance from their property. The Council may override any, all, or none of the objections at the public hearing and order abatement upon such properties.

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**Alternatives Available to Council; Implications of Alternatives**

1. Conduct the public hearing and authorize abatement;
2. Take no action.

An order for abatement can only be passed until after such time a public hearing to allow protest has been conducted.

**Fiscal Impact**

All costs incurred by the City for abatement procedures will be recovered from the property owner(s).

Attachment: "Exhibit A"

**"Exhibit A"**  
**Weed Abatement**

<b>Street Name</b>	<b>Address</b>	<b>APN</b>
Dorothy Way	659	001-012-016-000
Eagles Nest	3075	055-290-004-000
East Placer	188	002-092-028
Electric St	240	003-012-009-000
Electric St	250	003-012-010-000
Electric St		003-012-025
High Street	1780	004-360-005-000
High Street	1760	004-360-004-000
High Street	1720	004-360-002-000
High Street	1700	004-360-001-000
High Street	1605	004-100-033-000
High Street	1585	004-100-034-000
High Street	1500	004-100-020-000
High Street	1800	004-360-006-000
High Street	1600	004-100-025-000
Lincoln Way	995	002-190-035
Maidu and Riverview		055-040-028-000
Maidu and Riverview		055-040-029-000
Maidu and Riverview		055-040-031-000
Nevada Street	455 (open)	038-150-002-000
Olive Orchard	446	003-103-008-000

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2 SECTION 4. That the private property, together with the streets and  
3 sidewalks in front of same herein referred to, is more particularly described as  
4 follows, to-wit: Those properties described in Appendix "A" attached hereto  
5 and by this reference made a part hereof as though set forth in full at this  
6 point.

7  
8 THEREFORE BE IT RESOLVED, pursuant to the foregoing findings of fact  
9 that the weeds or dry grass, stubble, refuse, or other flammable material in  
10 and upon and in front of the real property hereinbefore described constitute  
11 and are hereby declared to be a public nuisance which should be abated. The  
12 Fire Chief, is hereby designated the person to give notice to destroy said weed  
13 or dry grass, stubble, refuse, or other flammable material and shall cause  
14 notices to be given to each property owner by United States Mail and said  
15 notice shall be substantially in the following form to-wit.

16 NOTICE TO DESTROY WEEDS AND REMOVE RUBBISH, REFUSE, AND  
17 DIRT

18 Notice is hereby given that on the 11<sup>th</sup> day of July 2011, the City Council  
19 of the City of Auburn passed a resolution declaring that noxious or dangerous  
20 weeds were growing upon or in front of the property on this street, and that  
21 rubbish, refuse, and dirt were upon or in front of property on this street, in  
22 Auburn are more particularly described in the resolution, and that they  
23 constitute a public nuisance which must be abated by the removal of the  
24 weeds, rubbish, refuse, and dirt. Otherwise they will be removed and the  
25 nuisance abated by the City and the cost of removal assessed upon the land  
26 from or in front of which the weeds, rubbish, refuse, and dirt are removed and  
27 will constitute a lien upon such land until paid. Reference is hereby made to  
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1 the resolution for further particulars. A copy of said resolution is on file in the  
2 office of the City Clerk.

3 All property owners having any objections to the proposed removal of the  
4 weeds, rubbish, refuse, and dirt are hereby notified to attend a meeting of the  
5 City Council of the City of Auburn to be held on July 25, 2011 at 6:00 p.m.  
6 when their objections will be heard and given due consideration.

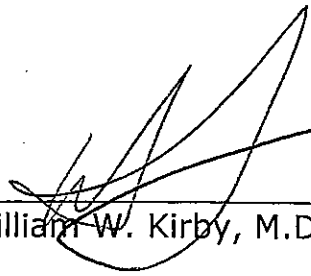
7 BE IT THEREFORE RESOLVED, that the Fire Chief is hereby authorized  
8 and directed to authorize the recovery of costs of inspection of the properties  
9 hereinabove described in a manner consistent with prior action of the City  
10 Council. The recovery of these costs is vital to the ongoing operation  
11 governing the identification and abatement of those properties that constitute  
12 public nuisances and endanger the public safety.

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14 BE IT FURTHER RESOLVED THAT the 25th day of July 2011, at the  
15 hour of 6:00 p.m. in the City of Auburn, is the day and hour, and the Meeting  
16 Room of the City Council at City Hall is the place when and where any and all  
17 property owners having any objections to the aforesaid proposed removal of  
18 weeds or dry grass, stubble, refuse, or other flammable material may appear  
19 before the City Council and show cause why said weeds or dry grass, stubble,  
20 refuse, or other flammable material should not be removed in accordance with  
21 this resolution, and said objections will then and there be heard and given due  
22 consideration; and

23  
24 BE IT RESOLVED THAT the notices to destroy weeds or dry grass,  
25 stubble, refuse or other flammable material hereinbefore referred to shall be  
26 mailed by the City of Auburn at least ten days prior to July 25, 2011.

27 DATED: July 11, 2011  
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William W. Kirby, M.D., Mayor

ATTEST:

Amy M. Lund, Deputy  
Joseph G. R. Labrie, City Clerk

I, Joseph G. R. Labrie, City Clerk of the City of Auburn, hereby certify that the foregoing resolution was duly passed at a regular meeting of the City Council of the City of Auburn held on the 11<sup>h</sup> day of July 2011 by the following vote on roll call:

Ayes: Powers, Holmes, Kirby  
Noes:  
Absent: Nesbitt, Hanley

Amy M. Lund, Deputy  
Joseph G. R. Labrie, City Clerk

1 ABATEMENT ORDER

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3 \_\_\_\_\_ July 25, 2011

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5 FOLLOWING THE PUBLIC HEARING HELD July 25, 2011 IN THE MATTER OF  
6 RESOLUTION TO ABATE NOXIOUS WEEDS, RUBBISH, AND REFUSE, THE CITY  
7 COUNCIL OF THE CITY OF AUBURN, BY MOTION ADOPTED AN ORDER  
8 DIRECTING THE ABATEMENT OF THE NUISANCE BY HAVING THE WEEDS,  
9 RUBBISH, AND REFUSE REMOVED.  
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13 CITY COUNCIL OF THE  
14 CITY OF AUBURN  
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17 BY \_\_\_\_\_  
18 William W. Kirby, M.D., Mayor  
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20 ATTEST:

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22 BY \_\_\_\_\_  
23 JOSEPH G. R. LABRIE, CITY CLERK  
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1 STATE OF CALIFORNIA )  
2 ) SS  
3 CITY OF AUBURN )  
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6 On or before the 25th day of July 2011, as required by the Government Code  
7 of the State of California, the owners of each of the properties described in the  
8 attached list were notified by United States Mail to destroy noxious or  
9 dangerous weeds, of which the annexed is a true copy, and setting the 25th  
10 day of July 2011 as the date upon which owners of said property could attend  
11 a meeting of the Council of the City of Auburn, when their objections will be  
12 heard and given due consideration.  
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21 SUBSCRIBED AND SWORN TO BEFORE ME  
22 This \_\_\_\_\_ day of \_\_\_\_\_, AUBURN  
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City Clerk

[Appendix "A"]

<b>Street Name</b>	<b>Address</b>	<b>APN</b>
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